

Comprehensive Plan Implementation Committee
Working Draft
05-12-06

Draft Proposals for the Establishment of Village and Rural Districts as Part
of the Implementation of the 2005 Comprehensive Plan Update

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The Village District

1 Purpose

The purpose of the Village District is to minimize suburbanization and sprawl and to encourage new growth in the district; to promote pedestrian movement and street life by placing homes, shops, workplaces and public buildings in close proximity; to reduce vehicular traffic; to provide locations for town life such as greens, parks, natural lands and civic buildings; to promote living opportunities for residents of all ages and financial means; and to promote a pattern of development that provides for cost effective public investment for required public services.

2 Delineation

The Village District shall be delineated as shown on the Official Zoning Map of the Town of Harpswell.

3 Relationship to Other Regulations

To the extent the provisions of this section are in conflict with or are inconsistent with other provisions of this Ordinance or any other Ordinance, except for the Shoreland Zoning Ordinance, the provisions of this section shall govern and prevail even if such other provisions are more restrictive than those set forth in this section.

4 Dimensional Requirements

Lots located within the Village District shall be subject to the dimensional standards set forth below:

4.1 Individual Building Lot Standards

	PROPOSED REGULATIONS	CURRENT REGULATIONS
Minimum Lot Size	20,000 sq. ft.	40,000 sq. ft.
Minimum Rear and Side Property Line Setback	15 ft.	20 ft.
Minimum Road Setback	20 ft. from lot line or edge of traveled way, whichever results in a greater setback; if the applicant is unable to determine the lot line, 40 ft. from edge of traveled way	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.
Minimum Road Frontage	<ul style="list-style-type: none">• 80 ft. on all but State Aid roads• 150 ft. on State Aid roads	150 ft.

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4.2 Subdivision Lot Standards

	PROPOSED REGULATIONS	CURRENT REGULATIONS
Minimum Lot Size Standards for Subdivisions	<ul style="list-style-type: none"> 20,000 sq. ft. 	80,000 sq. ft.
Common Open Space Requirements	<p>Common open space must comprise at least the percentage of the total buildable acreage of the original lot prior to subdivision as indicated below:</p> <ul style="list-style-type: none"> 0% for lots less than 160,000 sq. ft. 20 % for lots 160,001 to 320,000 sq. ft. 30% for lots 320,001 to 640,000 sq. ft. 40% for lots 640,001 to 1,280,000 sq. ft. 50% for lots greater than 1,280,001 sq. ft. 	
Lot Size Standards for Cluster Subdivisions	<p>The applicant may propose an alternative subdivision design to create a stronger neighborhood character and provide for additional common open space.</p> <ul style="list-style-type: none"> Minimum lot size may be 12,000 sq. ft. Maximum project density shall be 1 dwelling unit per 20,000 sq. ft. 	Alternative lot size provision- 25,000 sq. ft. with at least 50% of total acreage held in common open space.
Minimum Rear and Side Property Line Setback	15 ft.	20 ft.
Minimum Road Setback	20 ft. from lot line or edge of traveled way, whichever results in a greater setback; if the applicant is unable to determine the lot line, 40 ft. from edge of traveled way	40 ft.

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Minimum Road Frontage	<ul style="list-style-type: none">• 65 ft. if in a cluster subdivision project that is not located along a State Aid road• 80 ft. for a non-cluster subdivision that is not located along a State Aid road• 150 ft. for all subdivisions located along a State Aid road	<ul style="list-style-type: none">• 150 ft.• 65 ft. if utilizing alternative lot size provision
Septic systems and wells	Septic systems and wells may be sited in common area Applicant must demonstrate adequate septic system.	No change

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4.3 Multi-Unit Housing Standards

	PROPOSED REGULATIONS	CURRENT REGULATIONS (Ordinances do not explicitly regulate multi-unit housing. Refer to applicable ordinance requirements for individual dwellings)
<p>Minimum Lot Size <i>(please read proposed regulations prior to example)</i></p> <p>Example <u>A Duplex with 2 Bedrooms per unit would require a Lot Size of 32,000 sq. ft.</u> Calculation as follows;</p> <ul style="list-style-type: none"> ▪ 4 bedrooms x 120 gal. of wastewater equals 480 gal. of wastewater; ▪ 480 gal. minus 300 gal. equals 180 gal; ▪ 180 gal. x 66.67 sq. ft. equals 12,000 sq. ft.; ▪ 12,000 sq. ft. plus 20,000 sq. ft. equals 32,000 sq. ft. 	<p>As required by State Minimum Lot Size Law, 12 M.R.S.A. § 4807;</p> <ul style="list-style-type: none"> • Lot size calculated on a sliding scale based on wastewater generated • Minimum lot size is 20,000 sq. ft. • For each additional gallon of wastewater generated in excess of 300 gallons per day, the lot must have a minimum of 67 sq. ft. of additional area. • Calculate daily wastewater flow based on 120 gallons per bedroom per day 	<p>40,000 sq. ft. per dwelling.</p> <p>80,000 sq. ft. if three or more dwellings.</p>
Minimum Rear and Side Property Line Setback	15 ft	20 ft.
Minimum Road Setback	20 ft. from lot line or edge of traveled way, whichever results in a greater setback; if the applicant is unable to determine the lot line, 40 ft. from edge of traveled way	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.
Minimum Road Frontage	<ul style="list-style-type: none"> • 80 ft. except on State Aid roads • 150 ft. on State Aid roads 	150 ft.
Curb Cuts	Shared curb cuts are required	Required permit for curb cuts on State Aid roads.

The Rural District

1 Purpose

The purpose of the Rural District is to preserve its features and accommodate growth consistent with the character of the district. The features of the Rural District include a natural landscape of forest, field, and water along with wetlands, flood plains, steep hillsides, and critical habitat areas.

2 Delineation

The Rural District shall be delineated as shown on the Official Zoning Map of the Town of Harpswell.

3 Relationship to Other Regulations

To the extent the provisions of this section are in conflict with or are inconsistent with other provisions of this Ordinance or any other Ordinance, except for the Shoreland Zoning Ordinance, the provisions of this section shall govern and prevail even if such other provisions are more restrictive than those set forth in this section.

4 Dimensional Requirements

Lots located within the Rural District shall be subject to the dimensional standards set forth below:

4.1 Individual Building Lot Standards

	PROPOSED REGULATIONS	CURRENT REGULATIONS
Minimum Lot Size	80,000 sq. ft.	40,000 sq. ft.
Minimum Rear and Side Property Line Setback	25 ft	20 ft.
Minimum Road Setback	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.
Minimum Road Frontage	150 ft.	150 ft.
Curb Cuts	Shared curb cuts are required	Required permit for curb cuts on State Aid roads.

4.2.1 Subdivision Lot Standards

	PROPOSED REGULATIONS	CURRENT REGULATIONS
All Subdivisions	<ul style="list-style-type: none"> Overall project density shall not exceed 1 dwelling unit per 80,000 sq. ft.; Common open space must comprise of at least 60% of the total buildable acreage of the original lot prior to subdivision. 	<p>80,000 sq. ft.</p> <p>Alternative lot size provision- 25,000 sq. ft. with at least 50% of total acreage held in common open space.</p>
Minimum Rear and Side Property Line Setback	25 ft	20 ft.
Minimum Road Setback	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.
Minimum Road Frontage	150 ft.	<ul style="list-style-type: none"> 150 ft. 65 ft. if utilizing alternative lot size provision
Curb Cuts	Shared curb cuts are required	Required permit for curb cuts on State Aid roads.
Septic systems and wells	<ul style="list-style-type: none"> Septic systems and wells may be sited in common area Applicant must demonstrate adequate septic system. 	No change

4.2.2 Design Process for Creating Common Open Spaces in the Rural Districts

1) What to Preserve

The area to be designated as common open space or otherwise preserved as part of the development shall be delineated based upon the Primary and Secondary Conservation Areas.

Primary Conservation Areas are those lands that are unbuildable.

Secondary Conservation Areas are those lands as identified below;

Preservation of Community Character

- Undeveloped farmland and fields
- Landscape buffer at least 100' beside State Aid roads
- Undeveloped scenic vistas
- Undeveloped land contiguous with existing open space

Protection of Natural Resources

- Buffer strip of naturally vegetated area at least 150 ft. wide adjacent to an open water source
- Buffer strip of naturally vegetated area at least 75 ft. wide on both sides of a stream, including ponds and wetlands associated with the stream.
- Rare, significant, or endangered species habitat as identified in the by state, federal, or local agencies.
- Other significant habitat as delineated by state and federal agencies or as identified by the town through an on-site inspection.

Preservation and Creation of Buffers

- Land preserves must be at least 100 ft. of buffer area between residential development and more intense land uses (e.g., utility corridors, highways) or dedicated open space.

Promotion and Creation of Linkages

- Land preserves an existing or proposed trail link.

2) Designing the Common Open Space

- All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least 75 percent of the common open space shall be contiguous to another common open space area.
- Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or to restore their overall condition and natural processes.
- No area of common open space shall be less than 50 ft. in its smallest dimension and less than 10,000 square ft. in area. Open space not meeting this standard is allowed as an added project enhancement, but shall not be counted toward the required project common open space.
- The boundaries of common open spaces shall be marked wherever possible by natural features, such as hedgerows, stone walls, edges of woodlands, streams, or individual large trees. Where no such existing demarcations are present, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if

applicable, to distinguish where the common open space ends and private lot areas begin. Where structural demarcations, such as fences are used, they shall be the minimum needed to accomplish this objective.

- Common open space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

3) Siting of Buildings

- Potential building sites shall be tentatively located taking into consideration the proposed common open space and/or the Primary and Secondary Conservation Areas identified as well as other relevant data from the Site Plan, such as topography and soils.
- Building sites should generally be located at least 100 ft. from Primary Conservation Areas and at least 50 ft. from Secondary Conservation Areas, taking into consideration the potential negative impacts of development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences and other uses.

4) Alignment of Road System

- Based upon the designated building sites, a circulation plan shall be designed to provide vehicular and pedestrian access to each site. The street layout shall bear a logical relationship to topographic conditions.
- Impacts of the street plan on proposed conservation lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and minimizing cut and fill.
- Street connections shall generally be encouraged to facilitate access to and from buildings in different parts of the subdivision.

4.3 Development Along State Route 123, State Route 24, Mountain Road and Cundy's Harbor Road

	PROPOSED REGULATIONS	CURRENT REGULATIONS
Minimum Road Setback	<p>100 ft. from lot line or edge of traveled way, whichever results in a greater setback</p> <p><i>Consideration should be given to allowing the Planning Board to determine if the setback may be encroached upon if no other reasonable alternative exists and if this would prevent other more critical natural features from being developed on a particular site.</i></p>	40 ft from edge of the traveled way; or 20 ft. from property line, whichever is more restrictive.
Subdivisions	<ul style="list-style-type: none"> • If land is proposed for subdivision and at the time of application such land is wooded, a wooded buffer strip no less than 50 ft. in width shall be left along the road right-of-way. • If land is proposed for subdivision and at the time of application such land is not wooded, a wooded buffer strip no less than 50 ft. in width shall be planted and maintained along the road right-of-way. 	<ul style="list-style-type: none"> • If land is proposed for subdivision and at the time of application such land is wooded, a wooded buffer strip no less than 25 ft. in width shall be left along the road right-of-way. • If land is proposed for subdivision and at the time of application such land is not wooded, a wooded buffer strip no less than 25 ft. in width shall be planted and maintained along the road right-of-way.